

PUBLIC HEALTH DEPARTMENT[641]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 135.11, the Department of Public Health hereby gives Notice of Intended Action to amend Chapter 92, “Iowa Fatality Review Committee,” Iowa Administrative Code.

The rules in Chapter 92 describe the formation of and protocol for the Iowa fatality review committee, an ad hoc committee appointed on a case-by-case basis to determine whether the Department of Human Services and others involved with a case of child abuse resulting in the death of a child responded appropriately. These proposed amendments place the responsibility for this committee in the State Medical Examiner’s office.

Any interested person may make written suggestions or comments on these amendments on or before December 7, 2010. Such written comments should be directed to Jonathan Thompson, M.D., Office of the State Medical Examiner, 2250 S. Ankeny Blvd., Ankeny, Iowa 50023. E-mail may be sent to jthomps@idph.state.ia.us.

These amendments are intended to implement 2009 Iowa Code Supplement section 135.43.

The following amendments are proposed.

ITEM 1. Rescind the definition of “Director” in rule **641—92.2(135)**.

ITEM 2. Amend rule 641—92.3(135) as follows:

641—92.3(135) Committee. The committee is an ad hoc committee appointed by the ~~director~~ state medical examiner on a case-by-case basis. The committee shall include a medical examiner, a pediatrician who is knowledgeable concerning deaths of children, and a person involved in law enforcement. The committee may also consult with individuals with specific child death expertise as necessary to perform the duties and responsibilities of the committee. The ~~department~~ office of the state medical examiner shall provide staffing and administrative support to the committee.

ITEM 3. Amend rule 641—92.4(135) as follows:

641—92.4(135) Formation of the committee. The ~~director~~ state medical examiner may appoint a committee to review the death of a child under the age of 18 upon the request from a member of the legislature or the governor in cases in which a report of suspected child abuse had been filed with the department of human services pursuant to Iowa Code section 232.70 within two years preceding the child’s death.

ITEM 4. Amend subrule 92.6(1) as follows:

92.6(1) Upon completion of the review, the ~~director~~ state medical examiner shall submit the committee’s report to:

a. to c. No change.

ITEM 5. Adopt the following **new** subrule 92.6(3):

92.6(3) If deemed appropriate by the committee, the committee may, at any point in the review, recommend to the department of human services, appropriate law enforcement agencies, and any other person involved with child protection, interventions intended to prevent harm to a child who is related to or is living in the same home as a child whose case is reviewed by the committee.